

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	
	:	CONSENT PRELIMINARY ORDER
- v. -	:	OF FORFEITURE/
	:	<u>MONEY JUDGMENT</u>
PHILOME DUVERNE,	:	
	:	S1 22 Cr. 366 (JPC)
Defendant.	:	
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WHEREAS, on or about January 4, 2024, PHILOME DUVERNE (the “Defendant”), was charged in a Superseding Information, S1 22 Cr. 366 (JPC) (the “Information”), with conspiracy to distribute narcotics, in violation of Title 21, United States Code, Section 846 (Count One); and bail jumping, in violation of Title 18, United States Code, Section 3146(a)(1) and (b)(1)(A)(i) (Count Two);

WHEREAS, the Information included a forfeiture allegation as to Count One of the Information, seeking forfeiture to the United States, pursuant Title 21, United States Code, Section 853, of any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of the offense charged in Count One of the Information, and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the offense charged in Count One of the Information, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense charged in Count One of the Information;

WHEREAS, on or about January 12, 2024, the Defendant pled guilty to Count One of the Information, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count One of the Information and agreed to forfeit to the United States, pursuant to Title 21, United States Code, Section 853, a sum of money equal

to \$9,290 in United States Currency, representing proceeds traceable to the commission of the offense charged in Count One of the Information;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$9,290 in United States currency, representing the amount of proceeds traceable to the offense charged in Count One of the Information that the Defendant personally obtained, for which the Defendant is jointly and severally liable with co-defendant Biana Burgos-Munoz (“Burgos-Munoz”) to the extent a forfeiture money judgment is entered against Burgos-Munoz in this case; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offense charged in Count One of the Information that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorney Brandon D. Harper, of counsel, and the Defendant and his counsel, Anthony Cecutti, Esq., that:

1. As a result of the offense charged in Count One of the Information, to which the Defendant pled guilty, a money judgment in the amount of \$9,290 in United States currency (the “Money Judgment”), representing the amount of proceeds traceable the offense charged in Count One of the Information that the Defendant personally obtained, for which the Defendant is jointly and severally liable with Burgos-Munoz to the extent a forfeiture money judgment is entered against Burgos-Munoz in this case, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant PHILOME

DUVERNE, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Illicit Finance and Money Laundering Unit, 26 Federal Plaza, New York, New York 10278 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

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8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York

By:	<u>/s/Brandon D. Harper</u>	<u>5/17/2024</u>
	BRANDON D. HARPER	DATE
	Assistant United States Attorney	
	26 Federal Plaza	
	New York, NY 10278	
	(212) 637-2209	

PHILOME DUVERNE

By:	<u>Philome Duverne (by counsel)</u>	<u>5/16/2024</u>
	PHILOME DUVERNE	DATE

By:	<u><i>Anthony Cecutti</i></u>	<u>5/16/2024</u>
	ANTHONY CECUTTI, ESQ.	DATE
	Attorney for Defendant	
	217 Broadway, Suite 707	
	New York, NY 10007	
	(917) 741-1837	

SO ORDERED:

	<u>5/17/2024</u>
HONORABLE JOHN P. CRONAN	DATE
UNITED STATES DISTRICT JUDGE	